

STATE OF INDIANA)
) SS:
 COUNTY OF TIPPECANOE) CAUSE NO. _____

TIMOTHY STEVENS,)
)
 Plaintiff,)
)
 vs.)
)
 SERVICE SANITATION, INC.,)
)
 Defendant.)

COMPLAINT FOR DAMAGES AND REQUEST FOR JURY TRIAL

Plaintiff, Timothy Stevens, by counsel, for his Complaint for Damages against the Defendant, Service Sanitation, Inc., asserts the following:

1. At all relevant times, Plaintiff, Timothy Stevens, resided in Lafayette, Tippecanoe County, Indiana.
2. Defendant, Service Sanitation, Inc., is a foreign, for-profit corporation incorporated in Illinois, with its principal place of business located at 1501 W. 175th St., Homewood, IL 60430.
3. On September 4, 2021, Plaintiff, Timothy Stevens, entered a handicapped sized port-a-pot on the stadium grounds of a Purdue University football game.
4. The port-a-pot was placed on the stadium grounds by Defendant, Service Sanitation, Inc., who positioned the port-a-pot on unlevel ground.
5. On the day of the incident, it was raining or sprinkling consistently throughout the day, leaving nowhere for the water to drain out or away from the floor of the port-a-pot.
6. At approximately 4:45 PM, upon entering the port-a-pot, the Plaintiff slipped and fell on the slippery, uneven floor, resulting in two fractures in his upper left arm.

7. It was reasonably foreseeable that persons using the port-a-pot could be at risk due to the port-a-pot's location on uneven ground and slickness caused by water and/or other liquids on the ground and floor.

8. The Defendant, Service Sanitation, Inc., through its agents or employees acting within their scope of employment, was careless and negligent in one (1) or more of the following respects:

- a. Failing to place the port-a-pot on level ground to ensure a safe condition for the use of visitors;
- b. Failing to keep the port-a-pot clear of water or other liquids so as to prevent a slippery surface on which visitors may fall;
- c. Failing to inspect and discover the hazardous conditions existing in and around the port-a-pot;
- d. Failing to maintain the premises of their port-a-pot with reasonable care; and
- e. Failing to warn the Plaintiff of the hazardous conditions existing in and around the port-a-pot when the Defendant knew or should have known of the same.

9. As a direct and proximate cause of the carelessness and negligence of the Defendant, the Plaintiff, Timothy Stevens, suffered severe and permanent injuries, endured significant physical pain and mental suffering, incurred substantial medical expenses, lost wages, and will continue to incur such losses in the future.

WHEREFORE, Plaintiff, Timothy Stevens, prays for a judgment against the Defendant in an amount which will fully and fairly compensate him for injuries and damages, for costs of this action, for interest as allowed by law, and for all other just and proper relief in the premises.

Respectfully submitted,

WILSON KEHOE WININGHAM LLC

/s/Emily K. VanTyle
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DEMAND FOR JURY TRIAL

Plaintiff, Timothy Stevens, demands a jury trial on all claims so triable in this action.

Respectfully submitted,

WILSON KEHOE WININGHAM LLC

/s/Emily K. VanTyle

D. Bruce Kehoe, Attorney #5410-49

Emily K. VanTyle, Attorney #34240-64

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